

ASSEMBLY BILL

No. 2065

Introduced by Assembly Member Harper

February 17, 2016

An act to amend Sections 2263 and 2265 of the Elections Code, relating to elections.

LEGISLATIVE COUNSEL'S DIGEST

AB 2065, as introduced, Harper. Voter registration: California New Motor Voter Program.

Existing law requires the Department of Motor Vehicles to issue driver's licenses and state identification cards to applicants who meet specified criteria and provide the department with the required information. Existing law generally requires an applicant for an original driver's license or state identification card to submit satisfactory proof to the department that the applicant's presence in the United States is authorized under federal law.

Existing law, the California New Motor Voter Program, requires the Department of Motor Vehicles to electronically provide to the Secretary of State the records of each person who is issued an original or renewal of a driver's license or state identification card or who provides the department with a change of address, as specified. The person's motor vehicle records will then constitute a completed affidavit of registration and the person will be registered to vote, unless the person affirmatively declines to become registered to vote during a transaction with the department, among other conditions.

This bill would require the Department of Motor Vehicles to electronically provide records of a person to the Secretary of State pursuant to this program only if the person has submitted proof that he

or she is a citizen of the United States, as specified. This bill would also require that a person affirmatively agree to become registered to vote during a transaction with the department in order for his or her records to constitute a completed affidavit of registration and for the Secretary of State to register him or her to vote.

Vote: majority. Appropriation: no. Fiscal committee: yes.

State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 2263 of the Elections Code is amended
2 to read:

3 2263. (a) The Department of Motor Vehicles, in consultation
4 with the Secretary of State, shall establish a schedule and method
5 for the department to electronically provide to the Secretary of
6 State the records specified in this section.

7 (b) (1) The department shall provide to the Secretary of State,
8 in a manner and method to be determined by the department in
9 consultation with the Secretary of State, the following information
10 associated with each person who submits an application for a
11 driver's license or identification card pursuant to Section 12800,
12 12815, or 13000 of the Vehicle Code, or who notifies the
13 department of a change of address pursuant to Section 14600 of
14 the Vehicle ~~Code~~ Code, *if the proof that the person is required to*
15 *submit to prove that his or her presence in the United States is*
16 *authorized under federal law also establishes that the person is a*
17 *citizen of the United States:*

18 (A) Name.

19 (B) Date of birth.

20 (C) Either or both of the following, as contained in the
21 department's records:

22 (i) Residence address.

23 (ii) Mailing address.

24 (D) Digitized signature, as described in Section 12950.5 of the
25 Vehicle Code.

26 (E) Telephone number, if available.

27 (F) Email address, if available.

28 (G) Language preference.

29 (H) Political party preference.

1 (I) Whether the person chooses to become a permanent vote by
2 mail voter.

3 (J) Whether the person affirmatively ~~declined~~ *agreed* to become
4 registered to vote during a transaction with the department.

5 (K) A notation that the applicant has attested that he or she
6 meets all voter eligibility requirements, including United States
7 citizenship, specified in Section 2101.

8 (L) Other information specified in regulations implementing
9 this chapter.

10 (2) (A) The department may provide the records described in
11 paragraph (1) to the Secretary of State before the Secretary of State
12 certifies that all of the conditions set forth in subdivision (e) of
13 this section have been satisfied. Records provided pursuant to this
14 paragraph shall only be used for the purposes of outreach and
15 education to eligible voters conducted by the Secretary of State.

16 (B) The Secretary shall provide materials created for purposes
17 of outreach and education as described in this paragraph in
18 languages other than English, as required by the federal Voting
19 Rights Act of 1965 (52 U.S.C. Sec. 10503).

20 (c) The Secretary of State shall not sell, transfer, or allow any
21 third party access to the information acquired from the Department
22 of Motor Vehicles pursuant to this chapter without approval of the
23 department, except as permitted by this chapter and Section 2194.

24 (d) The department shall not electronically provide records of
25 a person who applies for or is issued a driver's license pursuant to
26 Section 12801.9 of the Vehicle Code because he or she is unable
27 to submit satisfactory proof that his or her presence in the United
28 States is authorized under federal law.

29 (e) The Department of Motor Vehicles shall commence
30 implementation of this section no later than one year after the
31 Secretary of State certifies all of the following:

32 (1) The State has a statewide voter registration database that
33 complies with the requirements of the federal Help America Vote
34 Act of 2002 (52 U.S.C. ~~Section~~ *Sec.* 20901 et seq.).

35 (2) The Legislature has appropriated the funds necessary for
36 the Secretary of State and the Department of Motor Vehicles to
37 implement and maintain the California New Motor Voter Program.

38 (3) The regulations required by Section 2270 have been adopted.

39 (f) The Department of Motor Vehicles shall not electronically
40 provide records pursuant to this section that contain a home address

1 designated as confidential pursuant to Section 1808.2, 1808.4, or
2 1808.6 of the Vehicle Code.

3 SEC. 2. Section 2265 of the Elections Code is amended to read:

4 2265. (a) The records of a person designated in paragraph (1)
5 of subdivision (b) of Section 2263 shall constitute a completed
6 affidavit of registration and the Secretary of State shall register
7 the person to vote, ~~unless any of the~~ *vote if all of the* following
8 conditions ~~is~~ *are* satisfied:

9 (1) The person's records, as described in Section 2263, reflect
10 that he or she affirmatively ~~declined~~ *agreed* to become registered
11 to vote during a transaction with the Department of Motor Vehicles.

12 (2) The person's records, as described in Section 2263, ~~do not~~
13 reflect that he or she has attested to meeting all voter eligibility
14 requirements specified in Section 2101.

15 (3) The Secretary of State ~~determines~~ *has not determined* that
16 the person is ineligible to vote.

17 (b) (1) If a person who is registered to vote pursuant to this
18 chapter does not provide a party preference, his or her party
19 preference shall be designated as "Unknown" and he or she shall
20 be treated as a "No Party Preference" voter.

21 (2) A person whose party preference is designated as
22 "Unknown" pursuant to this subdivision shall not be counted for
23 purposes of determining the total number of voters registered on
24 the specified day preceding an election, as required by subdivision
25 (b) of Section 5100 and subdivision (c) of Section 5151.